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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,993	12/05/2003	Yukiko Shikata	Q78780	7272
23373	7590	03/04/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			THOMAS, ASHISH	
		ART UNIT	PAPER NUMBER	
		2625		
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		03/04/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/727,993	SHIKATA, YUKIKO
	<b>Examiner</b>	<b>Art Unit</b>
	ASHISH K. THOMAS	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 5, and 6** are rejected under 35 U.S.C. 102(e) as being anticipated by Murakami(U.S. 6,995,858).

Regarding claim 1, Murakami discloses a print control apparatus comprising:

- an information obtaining device which obtains from a printer, information regarding a consumed level of a consumable item every predetermined period of time; (**Column 7, lines 56-63 details that non-volatile memory 33 obtains toner consumption data.**)
- a receiving device which selectively receives a setting from a user in which a notice that the consumed level of the consumable item is in advanced stage is limited to once within a predetermined period of time; (**Column 9, lines 43-48 teaches that a user can set the frequency of notices. Therefore, it is**

**implied in this reference that a user can set the notice to be once within a time interval)**

- a notifying device which notifies the user that the consumed level of the consumable item is in advanced stage; (**Column 9, lines 27-33 teaches a display unit that displays a warning. This inherently teaches the existence of the notifying device stated in the claim language. Otherwise, a warning cannot be properly displayed.**)
- a determining device which determines whether or not the user is notified of an advanced consumed level of the consumable item whose consumed level is found to be in advanced stage according to said information regarding the consumed level; (**Column 9, lines 32-39 teaches a method that determines if a low status flag has been generated and conveyed to the user.**)
- wherein, when the consumable item whose consumed level is found to be in advanced stage does not have a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, then said determining device determines that the user is notified of the advanced consumed level. (**The Examiner is interpreting this portion of the claim language to merely mean that a user is notified of the advanced consumed level even without setting any type of time interval for notices. Note that column 9, line 47 teaches that a warning notice is displayed continuously as well. The ability to display continuously is a situation wherein a display is not based on a set frequency.**)

- wherein, when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice as to advanced consumed level of the consumable item has not been given to the user within said predetermined period of time, then said determining device determines that the user is notified of the advanced consumed level; (**The Examiner is interpreting this portion of the claim language to simply mean that a notice is given once during the set period. And this is precisely taught in column 9, lines 40-48 of the reference. The type of determining device stated in the claim language is implied in the cited portion of the reference. After all, if no determination device is present, then it would not be possible to accurately maintain the warnings on a timely basis.**)
- and wherein when the consumable item whose consumed level is found to be in advanced stage has a setting that the notice as to advanced consumed level is limited to once within the predetermined period of time, and said notice as to advanced consumed level of the consumable item has already been given to the user within said predetermined period of time, said determining device determines that the user is not notified of the advanced consumed level. (**The Examiner is interpreting the claim language to merely mean that a warning is issued only once during the predetermined interval and nothing more. This concept is taught in column 9, lines 40-48.**)

Regarding claim 2, Murakami divulges a printer control unit according to claim 1, wherein, said predetermined period of time is one day(**As stated before, column 9, lines 44-47 teaches that the user can set the timing. This, in turn, inherently teaches that a user could possibly set the period of time to be one day.** ), and said determining device stores a date when the notice is given to the user, if the setting is such that the notice as to advanced consumed level regarding the consumable item whose consumed level is in advanced stage, is limited to once within said predetermined period of time. (**Column 9, lines 44-47**)

Regarding claim 5, it is rejected in the same manner as claim 1. Note that claim 5 cites a medium storing a computer program that corresponds to the functionalities cited in claim 1.

Regarding claim 6, it is rejected in the same manner as claim 2. Note that claim 6 cites a medium storing a computer program that corresponds to the functionalities cited in claim 2.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 3, 4, 7, 8, 9, 10, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami(U.S. 6,995,858) in view of Phillips(U.S. 2002/0186406).**

Regarding claim 3, the previously Murakami reference fully teaches the subject matter stated in claim 1.

But Murakami is silent on a printer control unit wherein said receiving device further selectively receives a setting that the notice as to the advanced consumed level is not given and a setting that the notice as to advanced consumed level is given without limiting the number of times.

Phillips teaches a printer control unit wherein said receiving device further selectively receives a setting that the notice as to the advanced consumed level is not given and a setting that the notice as to advanced consumed level is given without limiting the number of times. (**Paragraph 23 of the Phillips reference divulges a scenario wherein the user is warned without setting any type of limits on the number of warnings. Furthermore, paragraph 27 teaches a scenario wherein an order is placed without warning the user; this reads on the concept of not giving a notice.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Murakami with Phillips to fully realize the subject matter claimed in claim 3.

The motivation is to devise a method that will successfully convey to the user that a consumable is low. The rate of success is increased by not setting a limit on the number of warnings because this will give the user more opportunities to view the warnings.

Regarding claim 4, Murakami teaches the limitations stated in claim 1. Murakami further teaches a receiving process which selectively receives from a user a setting that a notice as to advanced consumable level of the consumable item is limited to once within a predetermined period of time. (**Column 9, lines 44-47 teaches that the user can set the timing. This, in turn, inherently teaches that a user could possibly set the period to be once per day.**)

Murakami is silent a printer control unit in which the said printer is provided with plural types of consumable items, wherein said information obtaining device obtains information regarding a consumed level per consumable item from said printer.

Phillips, on the other hand, teaches a printer control unit in which the said printer is provided with plural types of consumable items, wherein said information obtaining device obtains information regarding a consumed level per consumable item from said printer. (**Paragraph 22 of the Phillips reference divulges a list of possible consumables. And these include various types of print media as well as marking agents. Phillips teaches that the consumed level of each of these plurality of consumable items are monitored.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Murakami with Phillips to fully realize the subject matter claimed in claim 4.

The motivation would be to keep track of all the consumables items and not just one, thereby rendering a very efficient printing apparatus.

Regarding claim 7, it is rejected in the same manner as claim 4. Note that claim 7 cites a medium storing a computer program that corresponds to the functionalities cited in claim 4.

Regarding claim 8, the Murakami divulges the subject matter claimed in claim 1. Murakami further divulges a display device that displays a warning screen. (**Column 9, lines 27-33 teaches a display unit that displays a warning.**)

However, Murakami fails to teach a plurality of consumables items. Murakami only discloses one consumable item-the toner.

Phillips, on the contrary, teaches a plurality of consumable items. (**Paragraph 22 of the Phillips reference divulges that different types of consumable items are monitored.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Murakami with Phillips to fully realize the apparatus claimed in claim 8.

The motivation would be to keep track of all the consumables items and not just one, thereby rendering a very efficient printing apparatus.

Regarding claim 9, the combination of Murakami and Phillips teaches the subject matter of claim 8. This combination also puts forth that the warning screen indicates that replacement is recommended for all consumable items in advanced stage. (**As established before, paragraph 22 of the Phillips reference discusses a plurality of consumable items, not just one. Meanwhile, column 9, lines 27-33 of the Murakami reference details the ability to warn a user on a low inventory.**)

Regarding claim 10, the combination of Murakami and Phillips teaches the subject matter of claim 9. Murakami further teaches that a warning screen is displayed regardless of a warning notice setting. (**Note that column 9, lines 45-48 teaches that a warning is displayed continuously or at time intervals indicated by the user.** The ability to display continuously therefore reads on claim 10 since the user input is not needed for this type of display.)

Regarding claim 14, it is rejected in the same manner as claim 8. Please note that claim 14 discusses a recording medium with a computer program that corresponds to the functionalities detailed in claim 8.

Regarding claim 15, it is rejected in the same manner as claim 9. Please note that claim 15 discusses a recording medium with a computer program that corresponds to the functionalities detailed in claim 9.

Regarding claim 16, it is rejected in the same manner as claim 10. Please note that claim 16 discusses a recording medium with a computer program that corresponds to the functionalities detailed in claim 10.

**4. Claims 11-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami(U.S. 6,995,858) in view of Phillips(U.S. 2002/0186406) and further in view of Ulrich(U.S. 2005/0151641).**

Regarding claim 11, the aforementioned combination of Murakami and Phillips teaches the subject matter cited in claim 8.

But Murakami and Phillips fail to explicitly cite that the warning screen comprises a close button, and wherein a date and a time are registered if the user closes the warning screen via said close button.

Ulrich, on the other hand, cites that the warning screen comprises a close button, and wherein a date and a time are registered if the user closes the warning screen via said close button. (**Paragraph 41 of Ulrich teaches a scenario wherein an alert signal is shown on a pop-up window. A user has the ability to close this window, and the closing time is registered.**)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Murakami and Phillips with Ulrich to put forth the subject matter detailed in claim 11.

The motivation is to output warning signals based on certain user inputs such as closing a previous warning screen. This way, user actions are incorporated in the warning display process.

Regarding claim 12, the combination of Murakami, Phillips, and Ulrich teaches the subject matter mentioned in claim 11. Ulrich further teaches that date and time are only registered if the user closes the warning screen via said close button. (**Paragraph 41 of Ulrich clearly teaches that an alert acknowledgment time is only registered when the user closes the alert pop-up window.**)

Regarding claim 13, the combination of Murakami, Phillips, and Ulrich teaches the subject matter detailed in claim 12. Furthermore, Murakami discloses that if a date and time are not registered within the predetermined period of time, then the display

device displays the warning screen again. (**As stated previously, column 9,lines 40-48 divulges that a notice could be displayed again and again.**)

Regarding claim 17, it is rejected in the same manner as claim 11. Note that claim 17 describes a recording medium that stores a computer program which corresponds to the functionalities mentioned in claim 11.

Regarding claim 18, it is rejected in the same manner as claim 12. Note that claim 18 describes a recording medium that stores a computer program which corresponds to the functionalities mentioned in claim 12.

Regarding claim 19, it is rejected in the same manner as claim 13. Note that claim 19 describes a recording medium that stores a computer program which corresponds to the functionalities mentioned in claim 13.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

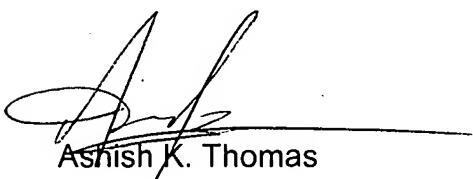
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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